

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

VINCENT A. GANT,)
Petitioner,)
v.) Civil Action No. 04-219 Erie
JAMES SHERMAN, Warden, et al.,)
Respondents.)

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on August 2, 2004, and was referred to the United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on August 2, 2005, [Doc. No. 24] recommended that Petitioner's Petition [Doc. No. 2] be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Respondent. No objections were filed. After de novo review of the case, together with the report and recommendation, the following order is entered:

AND NOW, this 30th day of August, 2005,

IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus [Doc. No. 2] is DENIED.

The report and recommendation of Magistrate Judge Baxter, dated August 2, 2005, is adopted as the opinion of the Court.

The clerk is directed to mark the case closed.

s/ Sean J. McLaughlin
United States District Judge

cc: All parties of record.